IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.583 OF 2004

Maharashtra Kamgar Karmachari Sanghatana ..Petitioner.
Vs.
State of Maharashtra & Ors. ..
Respondents.

....

Mr. N.A. Kulkarni for the Petitioner.
Mr. A.P. Vanarase, Assistant Government Pleader for the State.

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CORAM : KSHITIJ R. VYAS, C.J. &
DR.D.Y.CHANDRACHUD, J.

21st March, 2006.

P.C. :

1. The Petitioner in this Petition has prayed for appropriate directions, directing Respondent No.2, the Collector of Satara, to recover the amount of Rs.8,69,846/- from Mr. Parshuram Gopal Datar, Proprietor of M/s.. Pagodies & Tools, Respondent No.3, as per the Recovery Certificate issued by the Industrial Court at Kolhapur in Misc. Application (ULP) No.24 of 1996 and pay to the members of the Petitioner Union.

2. It is stated by the learned counsel appearing for the Petitioner that the whereabouts of Respondent No.3 are not known and his

factory is also closed. In view of this, since the Recovery Certificate has already been issued, the Collector is under an obligation to recover the dues by following all proceedings including attachment of the factory and to realize the dues. We therefore direct Respondent No.2, the Collector of Satara, to initiate proceedings by attaching the property of Respondent No.3 and to recover the amount to satisfy the dues as per the certificate issued.

3. Since we are passing this order without hearing Respondent No.3, we grant three weeks time to the said Respondent to challenge the Recovery Certificate before the appropriate Court. On failure to obtain any order within the stipulated time, Respondent No.2 shall initiate the proceedings as stated above.

Registry to communicate this order to Respondent No.3.

In view of the above, the Petition stands disposed of.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD,
J.